

HOUSE BILL 747

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By: **Delegate Costa**

Introduced and read first time: February 5, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Personal Trainers Act**

3 FOR the purpose of establishing the State Board of Personal Trainers as a unit of the
4 Department of Health and Mental Hygiene; providing for the composition,
5 appointment, and terms of the Board members; establishing certain powers and
6 duties of the Board; requiring certain persons to be licensed by the Board as
7 personal trainers or personal trainer assistants before performing certain work
8 in the State; prohibiting personal trainers from practicing personal training on
9 certain persons; prohibiting personal trainer assistants from practicing limited
10 personal training on certain persons; establishing certain education and
11 experience requirements for obtaining a license; establishing certain terms and
12 procedures for the renewal and reinstatement of a license; prohibiting a licensee
13 from surrendering a license under certain circumstances; authorizing the Board
14 to deny a license to an applicant, reprimand a licensee, place a licensee on
15 probation, or suspend or revoke a license under certain circumstances;
16 establishing certain requirements for reinstatement of a revoked license;
17 establishing certain procedures for the surrender of certain licenses under
18 certain circumstances; providing for certain criminal and civil penalties;
19 establishing certain hearing and appeal procedures; providing that the Board is
20 subject to the provisions of the Maryland Program Evaluation Act; requiring
21 that an evaluation of the Board and statutes and regulations that relate to the
22 Board be performed on or before a certain date; defining certain terms;
23 providing for the termination of this Act; specifying the terms of the initial
24 members of the Board; and generally relating to the establishment of a personal
25 trainer license and a personal trainer assistant license and the State Board of
26 Personal Trainers.

27 BY renumbering

28 Article – State Government

29 Section 8–403(b)(46) through (68), respectively

30 to be Section 8–403(b)(47) through (69), respectively

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume)

3 BY adding to
4 Article – Health Occupations
5 Section 11.5–101 through 11.5–402 to be under the new title “Title 11.5.
6 Personal Trainers”
7 Annotated Code of Maryland
8 (2009 Replacement Volume)

9 BY repealing and reenacting, without amendments,
10 Article – State Government
11 Section 8–403(a)
12 Annotated Code of Maryland
13 (2009 Replacement Volume)

14 BY adding to
15 Article – State Government
16 Section 8–403(b)(46)
17 Annotated Code of Maryland
18 (2009 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That Section(s) 8–403(b)(46) through (68), respectively, of Article – State
21 Government of the Annotated Code of Maryland be renumbered to be Section(s)
22 8–403(b)(47) through (69), respectively.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
24 read as follows:

25 **Article – Health Occupations**

26 **TITLE 11.5. PERSONAL TRAINERS.**

27 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

28 **11.5–101.**

29 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
30 **INDICATED.**

31 **(B) “BOARD” MEANS THE STATE BOARD OF PERSONAL TRAINERS.**

32 **(C) “LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE:**

33 **(1) PERSONAL TRAINING; OR**

1 **(2) LIMITED PERSONAL TRAINING.**

2 **(D) “LICENSED PERSONAL TRAINER” MEANS AN INDIVIDUAL WHO IS**
3 **LICENSED BY THE BOARD TO PRACTICE PERSONAL TRAINING.**

4 **(E) “LICENSED PERSONAL TRAINER ASSISTANT” MEANS AN INDIVIDUAL**
5 **WHO IS LICENSED BY THE BOARD TO PRACTICE LIMITED PERSONAL TRAINING.**

6 **(F) “PRACTICE LIMITED PERSONAL TRAINING” MEANS TO ASSIST A**
7 **LICENSED PERSONAL TRAINER UNDER THE SUPERVISION OF THE PERSONAL**
8 **TRAINER TO:**

9 **(1) ADMINISTER A HEALTH ASSESSMENT USING THE HEALTH**
10 **STATUS QUESTIONNAIRE;**

11 **(2) ADMINISTER A FITNESS ASSESSMENT AND MAINTAIN**
12 **DOCUMENTATION OF THE ASSESSMENT;**

13 **(3) DEMONSTRATE FITNESS AND CONDITIONING EXERCISES AND**
14 **PROVIDE INSTRUCTION USING FUNDAMENTAL EXERCISE SCIENCE PRINCIPLES;**
15 **AND**

16 **(4) IMPLEMENT PROGRAMS TO MOTIVATE CLIENTS TO MAINTAIN**
17 **HEALTHY BEHAVIORS AND ENCOURAGE HEALTHY BEHAVIOR MODIFICATIONS.**

18 **(G) (1) “PRACTICE PERSONAL TRAINING” MEANS TO:**

19 **(I) PERFORM THE ACTIVITIES LISTED UNDER SUBSECTION**
20 **(F) OF THIS SECTION;**

21 **(II) INTERPRET THE RESULTS OF A PHYSICAL FITNESS**
22 **ASSESSMENT;**

23 **(III) DEVELOP APPROPRIATE FITNESS AND CONDITIONING**
24 **EXERCISES FOR PERSONS WHO ARE AT LEAST 13 YEARS OLD AND WHO:**

25 **1. ARE IN GOOD HEALTH; OR**

26 **2. HAVE CONTROLLED MEDICAL CONDITIONS AND**
27 **HAVE BEEN AUTHORIZED TO PERFORM INDEPENDENT PHYSICAL ACTIVITY BY A**
28 **PHYSICIAN LICENSED UNDER THIS ARTICLE;**

1 (IV) DESIGN PROGRAMS TO MOTIVATE CLIENTS WITH
2 CONTROLLED MEDICAL CONDITIONS TO ADOPT AND MAINTAIN HEALTHY
3 LIFESTYLE BEHAVIORS; AND

4 (V) DEVELOP APPROPRIATE FITNESS AND CONDITIONING
5 EXERCISES FOR PERSONS WHO HAVE BEEN AUTHORIZED TO PERFORM
6 INDEPENDENT PHYSICAL ACTIVITY BY A PHYSICIAN LICENSED UNDER THIS
7 ARTICLE WHO HAVE:

8 1. MOVEMENT DYSFUNCTION;

9 2. NEUROMUSCULAR OR ORTHOPEDIC CONDITIONS;

10 OR

11 3. OTHER SPECIAL NEEDS.

12 (2) "PRACTICE PERSONAL TRAINING" DOES NOT INCLUDE THE
13 PRACTICE OF:

14 (I) ATHLETIC TRAINING;

15 (II) CHIROPRACTIC;

16 (III) MASSAGE THERAPY; OR

17 (IV) PHYSICAL THERAPY.

18 (H) "SUPERVISION" MEANS THE RESPONSIBILITY OF A PERSONAL
19 TRAINER TO PROVIDE ONGOING AND IMMEDIATELY AVAILABLE INSTRUCTION
20 TO A PERSONAL TRAINER ASSISTANT THAT IS ADEQUATE TO ENSURE THE
21 SAFETY AND WELFARE OF A CLIENT.

22 11.5-102.

23 THIS TITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE
24 A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE
25 UNDER THIS ARTICLE.

26 **SUBTITLE 2. STATE BOARD OF PERSONAL TRAINERS.**

27 11.5-201.

28 THERE IS A STATE BOARD OF PERSONAL TRAINERS IN THE
29 DEPARTMENT.

1 **11.5-202.**

2 **(A) THE BOARD CONSISTS OF EIGHT MEMBERS, APPOINTED BY THE**
3 **GOVERNOR WITH THE ADVICE OF THE SECRETARY AND THE ADVICE AND**
4 **CONSENT OF THE SENATE AS FOLLOWS:**

5 **(1) (I) ON OR BEFORE SEPTEMBER 30, 2012, TWO PERSONAL**
6 **TRAINERS WHO:**

7 **1. HAVE PASSED THE NBFEE PERSONAL FITNESS**
8 **TRAINER EXAMINATION ADMINISTERED BY THE NATIONAL BOARD OF FITNESS**
9 **EXAMINERS OR HAVE GRADUATED FROM AN ACCREDITED POSTSECONDARY**
10 **INSTITUTION WITH A DEGREE IN FITNESS, PHYSICAL EDUCATION, OR ANOTHER**
11 **HEALTH-RELATED FIELD; AND**

12 **2. HAVE A MINIMUM OF 5 YEARS OF PROFESSIONAL**
13 **EXPERIENCE; AND**

14 **(II) ON OR AFTER OCTOBER 1, 2012, TWO LICENSED**
15 **PERSONAL TRAINERS WHO:**

16 **1. HAVE PASSED THE NBFEE PERSONAL FITNESS**
17 **TRAINER EXAMINATION ADMINISTERED BY THE NATIONAL BOARD OF FITNESS**
18 **EXAMINERS OR HAVE GRADUATED FROM AN ACCREDITED POSTSECONDARY**
19 **INSTITUTION WITH A DEGREE IN FITNESS, PHYSICAL EDUCATION, OR ANOTHER**
20 **HEALTH-RELATED FIELD; AND**

21 **2. HAVE A MINIMUM OF 5 YEARS OF PROFESSIONAL**
22 **EXPERIENCE;**

23 **(2) (I) ON OR BEFORE SEPTEMBER 30, 2012, TWO PERSONAL**
24 **TRAINER ASSISTANTS WHO:**

25 **1. HOLD A CURRENT PERSONAL TRAINER**
26 **CERTIFICATE FROM A PROGRAM THAT HAS BEEN APPROVED BY THE AMERICAN**
27 **COUNCIL ON EDUCATION AND THE INTERNATIONAL ASSOCIATION OF**
28 **CONTINUING EDUCATION AND TRAINING OR THE NATIONAL ORGANIZATION**
29 **FOR COMPETENCY ASSURANCE; AND**

30 **2. HAVE PASSED THE TESTS REQUIRED UNDER §**
31 **11.5-303(C) OF THIS TITLE; AND**

1 **(II) ON OR AFTER OCTOBER 1, 2012, TWO LICENSED**
2 **PERSONAL TRAINER ASSISTANTS WHO:**

3 **1. HOLD A CURRENT PERSONAL TRAINER**
4 **CERTIFICATE FROM A PROGRAM THAT HAS BEEN APPROVED BY THE AMERICAN**
5 **COUNCIL ON EDUCATION AND THE INTERNATIONAL ASSOCIATION OF**
6 **CONTINUING EDUCATION AND TRAINING OR THE NATIONAL ORGANIZATION**
7 **FOR COMPETENCY ASSURANCE; AND**

8 **2. HAVE PASSED THE TESTS REQUIRED UNDER §**
9 **11.5-303(C) OF THIS TITLE;**

10 **(3) TWO OWNERS OF FITNESS FACILITIES IN THE STATE;**

11 **(4) ONE CONSUMER MEMBER; AND**

12 **(5) ONE NONVOTING LICENSED PHYSICIAN.**

13 **(B) THE CONSUMER MEMBER OF THE BOARD:**

14 **(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;**

15 **(2) MAY NOT BE OR EVER HAVE BEEN:**

16 **(I) A PERSONAL TRAINER; OR**

17 **(II) IN TRAINING TO BECOME A PERSONAL TRAINER; AND**

18 **(3) MAY NOT:**

19 **(I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A**
20 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO PERSONAL TRAINING; OR**

21 **(II) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A**
22 **FINANCIAL INTEREST IN THE PROVISION OF GOODS OR SERVICES TO PERSONAL**
23 **TRAINERS OR TO THE FIELD OF PERSONAL TRAINING.**

24 **(C) (1) THE TERM OF A MEMBER IS 3 YEARS.**

25 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
26 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2010.**

27 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
28 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

1 **(4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE**
2 **FULL TERMS.**

3 **(D) (1) IF A VACANCY OCCURS AS TO A MEMBER, THE GOVERNOR**
4 **SHALL APPOINT A NEW MEMBER TO SERVE ONLY FOR THE REST OF THE TERM**
5 **AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

6 **(2) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL**
7 **ANY VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE VACANCY.**

8 **(E) (1) ON THE RECOMMENDATION OF THE BOARD, THE SECRETARY**
9 **MAY REMOVE ANY MEMBER OF THE BOARD FOR NEGLIGENCE OF DUTY,**
10 **MISCONDUCT, MALFEASANCE, OR MISFEASANCE IN OFFICE.**

11 **(2) ON THE RECOMMENDATION OF THE SECRETARY, THE**
12 **GOVERNOR MAY REMOVE A MEMBER WHOM THE SECRETARY FINDS TO HAVE**
13 **BEEN ABSENT FROM TWO SUCCESSIVE BOARD MEETINGS WITHOUT ADEQUATE**
14 **REASON.**

15 **(3) THE GOVERNOR MAY REMOVE A MEMBER FOR**
16 **INCOMPETENCE OR MISCONDUCT.**

17 **11.5-203.**

18 **(A) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE BOARD.**

19 **(B) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT ANY OTHER**
20 **OFFICERS THAT IT CONSIDERS NECESSARY.**

21 **(C) THE BOARD SHALL DETERMINE:**

22 **(1) THE MANNER OF ELECTION OF OFFICERS;**

23 **(2) THE TERM OF OFFICE OF EACH OFFICER; AND**

24 **(3) THE DUTIES OF EACH OFFICER.**

25 **11.5-204.**

26 **(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A**
27 **QUORUM.**

28 **(B) THE BOARD SHALL MEET:**

1 (1) **AT THE TIMES AND PLACES THAT IT DETERMINES; AND**

2 (2) **AS REQUESTED BY THE SECRETARY.**

3 **(C) EACH MEMBER OF THE BOARD IS ENTITLED TO:**

4 (1) **COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET;**
5 **AND**

6 (2) **REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD**
7 **STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

8 **(D) (1) THE SECRETARY MAY EMPLOY A STAFF FOR THE BOARD IN**
9 **ACCORDANCE WITH THE STATE BUDGET.**

10 (2) **THE SECRETARY MAY DESIGNATE ONE OF THE STAFF AS AN**
11 **EXECUTIVE DIRECTOR.**

12 (3) **THE SECRETARY SHALL DETERMINE THE APPROPRIATE JOB**
13 **CLASSIFICATIONS AND GRADES FOR ALL STAFF.**

14 **11.5-205.**

15 **(A) (1) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS**
16 **TITLE, THE BOARD MAY:**

17 (I) **ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS**
18 **OF THIS TITLE;**

19 (II) **ESTABLISH CONTINUING EDUCATION REQUIREMENTS**
20 **FOR LICENSE RENEWAL; AND**

21 (III) **SUBJECT TO THE ADMINISTRATIVE PROCEDURE ACT,**
22 **DENY A LICENSE TO AN APPLICANT OR REFUSE TO RENEW OR REINSTATE AN**
23 **APPLICANT'S LICENSE FOR ANY OF THE REASONS THAT ARE GROUNDS FOR**
24 **ACTION UNDER § 11.5-308 OF THIS TITLE.**

25 (2) **THE BOARD MAY INVESTIGATE AN ALLEGED VIOLATION OF**
26 **THIS TITLE.**

27 **(B) (1) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS**
28 **TITLE, THE BOARD SHALL:**

1 (I) SUBMIT AN ANNUAL REPORT TO THE SECRETARY; AND

2 (II) KEEP A LIST OF ALL LICENSE APPLICANTS.

3 (2) (I) THE BOARD SHALL KEEP A LIST OF ALL PERSONAL
4 TRAINERS AND PERSONAL TRAINER ASSISTANTS WHO ARE CURRENTLY
5 LICENSED.

6 (II) THE LIST SHALL INCLUDE EACH PERSONAL TRAINER
7 AND PERSONAL TRAINER ASSISTANT'S DESIGNATED PUBLIC ADDRESS.

8 (III) EACH LIST PREPARED UNDER THIS PARAGRAPH SHALL
9 BE KEPT AS A PERMANENT RECORD OF THE BOARD.

10 (IV) THE LIST OF CURRENTLY LICENSED PERSONAL
11 TRAINERS AND PERSONAL TRAINER ASSISTANTS IS A PUBLIC RECORD.

12 11.5-206.

13 (A) THERE IS A STATE BOARD OF PERSONAL TRAINERS FUND.

14 (B) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE
15 ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES IT PROVIDES
16 TO PERSONAL TRAINERS AND PERSONAL TRAINER ASSISTANTS.

17 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS
18 TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND
19 THE OTHER SERVICES PROVIDED TO PERSONAL TRAINERS AND PERSONAL
20 TRAINER ASSISTANTS.

21 (C) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
22 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

23 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE
24 STATE BOARD OF PERSONAL TRAINERS FUND.

25 (D) (1) THE FUND SHALL BE USED TO COVER THE ACTUAL
26 DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY
27 AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF
28 THIS TITLE.

29 (2) THE FUND IS A CONTINUING, NONLAPSING FUND NOT
30 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 **(B) THE APPLICANT SHALL:**

2 **(1) BE OF GOOD MORAL CHARACTER; AND**

3 **(2) BE AT LEAST 18 YEARS OLD.**

4 **(C) THE APPLICANT SHALL:**

5 **(1) HAVE PASSED THE NBFEE PERSONAL FITNESS TRAINER**
6 **EXAMINATION ADMINISTERED BY THE NATIONAL BOARD OF FITNESS**
7 **EXAMINERS OR HAVE GRADUATED FROM AN ACCREDITED POSTSECONDARY**
8 **INSTITUTION WITH A DEGREE IN FITNESS, PHYSICAL EDUCATION, OR ANOTHER**
9 **HEALTH-RELATED FIELD;**

10 **(2) HOLD A CURRENT CERTIFICATE THROUGH A PROGRAM**
11 **APPROVED BY THE BOARD INDICATING SUCCESSFUL COMPLETION OF TRAINING**
12 **FOR CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED**
13 **EXTERNAL DEFIBRILLATOR;**

14 **(3) DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN**
15 **ENGLISH AS REQUIRED BY THE BOARD; AND**

16 **(4) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE**
17 **BOARD.**

18 **11.5-303.**

19 **(A) TO QUALIFY FOR A LICENSE TO PRACTICE LIMITED PERSONAL**
20 **TRAINING, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE**
21 **REQUIREMENTS OF THIS SECTION.**

22 **(B) THE APPLICANT SHALL:**

23 **(1) BE OF GOOD MORAL CHARACTER; AND**

24 **(2) BE AT LEAST 18 YEARS OLD.**

25 **(C) THE APPLICANT SHALL:**

26 **(1) HOLD A CURRENT PERSONAL TRAINER CERTIFICATE FROM A**
27 **PROGRAM THAT HAS BEEN APPROVED BY THE AMERICAN COUNCIL ON**
28 **EDUCATION AND THE INTERNATIONAL ASSOCIATION OF CONTINUING**

1 **EDUCATION AND TRAINING OR THE NATIONAL ORGANIZATION FOR**
2 **COMPETENCY ASSURANCE;**

3 **(2) HAVE PASSED A FIVE-PART INDIVIDUAL PRACTICAL SKILLS**
4 **COMPETENCY TEST ON WARM-UP PROTOCOLS, FLEXIBILITY, AND UPPER- AND**
5 **LOWER-BODY EXERCISES;**

6 **(3) HAVE PASSED A 100-QUESTION THEORETICAL TEST THAT**
7 **INCLUDES QUESTIONS RELATING TO EXERCISE PHYSIOLOGY, ANATOMY,**
8 **NUTRITION, HEALTH SCREENING, TESTING, EVALUATION, CARDIOVASCULAR**
9 **FITNESS FLEXIBILITY, SPECIAL POPULATIONS, ADHERENCE, MOTIVATION,**
10 **MUSCULOSKELETAL INJURIES, AND LEGAL ISSUES;**

11 **(4) HAVE COMPLETED AT LEAST A 50-HOUR INTERNSHIP**
12 **APPROVED BY A HEALTH CARE PROFESSIONAL LICENSED UNDER THIS ARTICLE;**

13 **(5) HOLD A CURRENT CERTIFICATE THROUGH A PROGRAM**
14 **APPROVED BY THE BOARD INDICATING SUCCESSFUL COMPLETION OF TRAINING**
15 **FOR CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED**
16 **EXTERNAL DEFIBRILLATOR;**

17 **(6) DEMONSTRATE ORAL AND WRITTEN COMPETENCY IN**
18 **ENGLISH AS REQUIRED BY THE BOARD; AND**

19 **(7) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE**
20 **BOARD.**

21 **11.5-304.**

22 **(A) TO APPLY FOR A LICENSE TO PRACTICE PERSONAL TRAINING OR**
23 **LIMITED PERSONAL TRAINING, AN APPLICANT SHALL:**

24 **(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT**
25 **THE BOARD REQUIRES; AND**

26 **(2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE**
27 **BOARD.**

28 **(B) THE BOARD SHALL ISSUE THE APPROPRIATE LICENSE TO AN**
29 **APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE FOR THAT LICENSE.**

30 **11.5-305.**

1 **(A) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS**
2 **SECTION, A LICENSE TO PRACTICE PERSONAL TRAINING AUTHORIZES THE**
3 **LICENSEE TO PRACTICE PERSONAL TRAINING WHILE THE LICENSE IS**
4 **EFFECTIVE.**

5 **(B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS**
6 **SECTION, A LICENSE TO PRACTICE LIMITED PERSONAL TRAINING AUTHORIZES**
7 **THE LICENSEE TO PRACTICE LIMITED PERSONAL TRAINING WHILE THE LICENSE**
8 **IS EFFECTIVE.**

9 **(C) A LICENSED PERSONAL TRAINER MAY NOT PRACTICE PERSONAL**
10 **TRAINING AND A LICENSED PERSONAL TRAINER ASSISTANT MAY NOT PRACTICE**
11 **LIMITED PERSONAL TRAINING ON A PERSON WHO HAS MORE THAN TWO RISK**
12 **FACTORS AS IDENTIFIED BY THE HEALTH STATUS QUESTIONNAIRE OR ANY**
13 **OTHER ASSESSMENT INSTRUMENT.**

14 **11.5-306.**

15 **(A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE**
16 **LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS**
17 **SECTION.**

18 **(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL**
19 **SEND TO THE LICENSEE A RENEWAL NOTICE THAT STATES:**

20 **(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

21 **(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**
22 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED**
23 **BEFORE THE LICENSE EXPIRES; AND**

24 **(3) THE AMOUNT OF THE RENEWAL FEE.**

25 **(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A**
26 **LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW THE LICENSE FOR**
27 **AN ADDITIONAL TERM IF THE LICENSEE:**

28 **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

29 **(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;**
30 **AND**

31 **(3) SUBMITS TO THE BOARD:**

1 (I) A RENEWAL APPLICATION ON THE FORM THAT THE
2 BOARD REQUIRES;

3 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
4 CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND

5 (III) ANY OTHER REQUIREMENTS SET UNDER THIS SECTION
6 FOR LICENSE RENEWAL.

7 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
8 ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH CONTINUING
9 EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION OF THE
10 RENEWAL OF LICENSES UNDER THIS SECTION.

11 (E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO
12 MEETS THE REQUIREMENTS OF THIS SECTION.

13 (F) THE BOARD SHALL REINSTATE THE LICENSE OF A PERSONAL
14 TRAINER OR PERSONAL TRAINER ASSISTANT WHO HAS FAILED TO RENEW THE
15 LICENSE FOR ANY REASON IF THE PERSONAL TRAINER OR PERSONAL TRAINER
16 ASSISTANT:

17 (1) APPLIES FOR REINSTATEMENT;

18 (2) MEETS RENEWAL AND REINSTATEMENT REQUIREMENTS; AND

19 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE
20 BOARD.

21 **11.5-307.**

22 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A
23 LICENSE, A LICENSED PERSONAL TRAINER OR LICENSED PERSONAL TRAINER
24 ASSISTANT MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE
25 BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR
26 WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

27 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
28 LICENSEE UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING
29 TO ACCEPT SURRENDER OF THE LICENSE.

30 (C) (1) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED OR
31 REVOKED BY THE BOARD SHALL RETURN THE LICENSE TO THE BOARD.

1 **(2) IF THE SUSPENDED OR REVOKED LICENSE HAS BEEN LOST,**
2 **THE INDIVIDUAL SHALL FILE WITH THE BOARD A STATEMENT VERIFYING THAT**
3 **THE INDIVIDUAL'S LICENSE HAS BEEN LOST.**

4 **11.5-308.**

5 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 11.5-309 OF THIS**
6 **SUBTITLE, THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND**
7 **ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR REVOKE**
8 **A LICENSE IF THE APPLICANT OR LICENSEE:**

9 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
10 **OBTAIN A LICENSE FOR THE APPLICANT, LICENSEE, OR FOR ANOTHER;**

11 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

12 **(3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT IN**
13 **THE PRACTICE OF PERSONAL TRAINING OR LIMITED PERSONAL TRAINING;**

14 **(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY**
15 **INCOMPETENT;**

16 **(5) HABITUALLY IS INTOXICATED;**

17 **(6) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR**
18 **CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE**
19 **CRIMINAL LAW ARTICLE;**

20 **(7) PROVIDES PROFESSIONAL SERVICES WHILE:**

21 **(i) UNDER THE INFLUENCE OF ALCOHOL; OR**

22 **(ii) USING ANY NARCOTIC OR CONTROLLED DANGEROUS**
23 **SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR ANY**
24 **OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT**
25 **VALID MEDICAL INDICATION;**

26 **(8) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN**
27 **THE PRACTICE OF PERSONAL TRAINING OR LIMITED PERSONAL TRAINING;**

28 **(9) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS**
29 **REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR**
30 **RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR**
31 **RECORD THE REPORT;**

1 **(10) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF**
2 **REMUNERATION OR MATERIAL BENEFIT TO ANY INDIVIDUAL FOR BRINGING OR**
3 **REFERRING A CLIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY**
4 **FORM OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR**
5 **BRINGING OR REFERRING A CLIENT;**

6 **(11) KNOWINGLY MAKES A MISREPRESENTATION WHILE**
7 **PRACTICING PERSONAL TRAINING OR LIMITED PERSONAL TRAINING;**

8 **(12) KNOWINGLY PRACTICES PERSONAL TRAINING OR LIMITED**
9 **PERSONAL TRAINING WITH AN UNAUTHORIZED INDIVIDUAL OR AIDS AN**
10 **UNAUTHORIZED INDIVIDUAL IN THE PRACTICE OF PERSONAL TRAINING OR**
11 **LIMITED PERSONAL TRAINING;**

12 **(13) IS DISCIPLINED BY A LICENSING, CERTIFYING, OR**
13 **DISCIPLINARY AUTHORITY OR IS CONVICTED OR DISCIPLINED BY A COURT OF**
14 **ANY STATE OR COUNTRY OR IS DISCIPLINED BY ANY BRANCH OF THE UNITED**
15 **STATES UNIFORMED SERVICES OR THE VETERANS ADMINISTRATION FOR AN**
16 **ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS**
17 **SECTION;**

18 **(14) FAILS TO MEET APPROPRIATE STANDARDS FOR THE**
19 **DELIVERY OF PERSONAL TRAINING OR LIMITED PERSONAL TRAINING SERVICES;**

20 **(15) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES**
21 **FOR WHICH SERVICES HAVE NOT BEEN PROVIDED;**

22 **(16) (I) HAS BEEN SUBJECT TO INVESTIGATION OR**
23 **DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A**
24 **COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR**
25 **DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND**

26 **(II) 1. SURRENDERED THE LICENSE ISSUED BY THE**
27 **STATE OR COUNTRY; OR**

28 **2. ALLOWED THE LICENSE ISSUED BY THE STATE OR**
29 **COUNTRY TO EXPIRE OR LAPSE;**

30 **(17) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN**
31 **VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;**

32 **(18) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS**
33 **FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;**

1 **(19) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE**
2 **AUTHORIZED SCOPE OF PRACTICE;**

3 **(20) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**
4 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**
5 **SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER**
6 **BECAUSE THE INDIVIDUAL IS HIV POSITIVE;**

7 **(21) PRACTICES OR ATTEMPTS TO PRACTICE A PERSONAL**
8 **TRAINING OR LIMITED PERSONAL TRAINING PROCEDURE OR USES OR**
9 **ATTEMPTS TO USE PERSONAL TRAINING EQUIPMENT IF THE APPLICANT OR**
10 **LICENSEE HAS NOT RECEIVED EDUCATION AND TRAINING IN THE**
11 **PERFORMANCE OF THE PROCEDURE OR THE USE OF THE EQUIPMENT;**

12 **(22) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION**
13 **CONDUCTED BY THE BOARD;**

14 **(23) IF A PERSONAL TRAINER ASSISTANT, FAILS TO PRACTICE**
15 **UNDER THE SUPERVISION OF A PERSONAL TRAINER; OR**

16 **(24) VIOLATES AN ORDER OF THE BOARD, INCLUDING ANY**
17 **CONDITION OF PROBATION.**

18 **(B) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE**
19 **BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, THE BOARD SHALL**
20 **ORDER THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR**
21 **PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING**
22 **MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS**
23 **PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.**

24 **(2) AFTER COMPLETION OF THE APPELLATE PROCESS, IF THE**
25 **CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE**
26 **WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, THE BOARD SHALL**
27 **ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE**
28 **OF THE ATTORNEY GENERAL.**

29 **11.5-309.**

30 **(A) (1) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE**
31 **PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 11.5-308**
32 **OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION**
33 **IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.**

1 **(2) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**
2 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
3 **ARTICLE.**

4 **(3) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH**
5 **ANY PROCEEDINGS UNDER THIS SECTION.**

6 **(4) AT LEAST 14 DAYS BEFORE THE HEARING, A HEARING NOTICE**
7 **SHALL BE SENT BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE**
8 **INDIVIDUAL.**

9 **(B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE**
10 **BOARD UNDER THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD**
11 **OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.**

12 **(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL**
13 **REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.**

14 **(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.**

15 **(D) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR**
16 **MODIFIES ITS ORDER.**

17 **11.5-310.**

18 **ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN**
19 **REVOKED, THE BOARD MAY REINSTATE A REVOKED LICENSE.**

20 **11.5-311.**

21 **UNLESS AUTHORIZED TO PRACTICE PERSONAL TRAINING OR LIMITED**
22 **PERSONAL TRAINING UNDER THIS SUBTITLE, A PERSON MAY NOT:**

23 **(1) PRACTICE PERSONAL TRAINING OR LIMITED PERSONAL**
24 **TRAINING IN THIS STATE;**

25 **(2) ATTEMPT TO PRACTICE OR OFFER TO PRACTICE PERSONAL**
26 **TRAINING OR LIMITED PERSONAL TRAINING IN THIS STATE;**

27 **(3) REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF**
28 **SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON IS**
29 **AUTHORIZED TO PRACTICE PERSONAL OR LIMITED PERSONAL TRAINING IN**
30 **THIS STATE; OR**

1 (4) USE THE ABBREVIATION “P.T.”, “P.T.L.”, “L.P.T.”, “A.P.T.”,
2 “A.P.T.L.”, “L.P.T.A.”, OR ANY OTHER WORDS, LETTERS, OR SYMBOLS WITH
3 THE INTENT TO REPRESENT THAT THE PERSON PRACTICES PERSONAL
4 TRAINING OR LIMITED PERSONAL TRAINING.

5 **11.5–312.**

6 (A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS
7 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
8 EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

9 (B) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS
10 SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY THE
11 BOARD.

12 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
13 SECTION INTO THE STATE BOARD OF PERSONAL TRAINERS FUND.

14 **SUBTITLE 4. SHORT TITLE; TERMINATION OF TITLE.**

15 **11.5–401.**

16 **THIS TITLE MAY BE CITED AS THE MARYLAND PERSONAL TRAINERS ACT.**

17 **11.5–402.**

18 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF**
19 **THE MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL RULES AND**
20 **REGULATIONS ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO**
21 **EFFECT AFTER JULY 1, 2014.**

22 **Article – State Government**

23 **8–403.**

24 (a) On or before December 15 of the 2nd year before the evaluation date of a
25 governmental activity or unit, the Legislative Policy Committee, based on a
26 preliminary evaluation, may waive as unnecessary the evaluation required under this
27 section.

28 (b) Except as otherwise provided in subsection (a) of this section, on or before
29 the evaluation date for the following governmental activities or units, an evaluation
30 shall be made of the following governmental activities or units and the statutes and
31 regulations that relate to the governmental activities or units:

1 **(46) PERSONAL TRAINERS, STATE BOARD OF (§ 11.5–201 OF THE**
2 **HEALTH OCCUPATIONS ARTICLE: JULY 1, 2013);**

3 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
4 members of the State Board of Personal Trainers shall expire as follows:

5 (1) one personal trainer member and one fitness facility owner
6 member in 2011;

7 (2) one personal trainer assistant member and the consumer member
8 in 2012;

9 (3) one personal trainer member and the physician member in 2013;
10 and

11 (4) one personal trainer assistant member and one fitness facility
12 owner member in 2013.

13 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2010.